

REMARKS

Claims 1, 3 - 14, 18 - 20, 22 - 31, 33, 34, 37, 38, and 42 - 47 are pending for consideration in the present application. Claims 2, 15 - 17, 21, 32, 35, 36 and 39 - 41 are canceled, wherein claims 15 and 32 are being canceled by the present amendment. Reconsideration of the application is respectfully requested.

In section 5 of the Office Action, claims 1, 3 - 15, 18 - 20, 22 - 34, 37, 38, 44 and 45 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1 and 20 are independent claims. Applicants are amending claims 1 and 20, as explained below, to address this rejection.

Claim 1 provides for a method performed by a processor. Applicants are amending claim 1 to recite that the method includes running a program that resides in a memory, and under control of the program, performing certain actions. The performance of the method by a processor is disclosed at page 3, lines 11 - 12, and page 6, lines 8 - 21, with reference to FIG. 3. The method of claim 1 is tied to the processor that runs the program that resides in the memory. Thus, the method of claim 1 is tied to a particular machine, and as such, fulfills the requirements of 35 U.S.C. 101.

Claim 20 includes a recital similar to that of claim 1, described above. Accordingly, claim 20, similarly to claim 1, also fulfills the requirements of 35 U.S.C. 101.

Claims 3 - 14, 18, 19 and 44 depend from claim 1. Claims 22 - 31, 33, 34, 37, 38 and 45 depend from claim 20. By virtue of these dependencies, claims 3 - 14, 18, 19, 22 - 31, 33, 34, 37, 38, 44 and 45 are also directed to statutory subject matter.

Claims 15 and 32 are canceled. As such, the rejection thereof is rendered moot.

Applicants are requesting reconsideration and a withdrawal of the 35 U.S.C. 101 rejection set forth in section 5 of the Office Action.

In section 7 of the Office Action, claims 1, 3 - 20, 22 - 38 and 42 - 47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description. Applicants are amending claims 1, 20, 42 and 43 to address this rejection, and canceling claims 15 and 32. A withdrawal of the section 112 rejection is respectfully requested.

In section 9 of the Office Action, claims 1, 3, 4, 6, 8 - 10, 15, 20, 22, 23, 25 - 27, 32, 33, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0032170 to Sheth (hereinafter "the Sheth publication")¹. Applicants are clarifying an aspect of each of claims 1, 20, 42 and 43 that is neither disclosed nor suggested by the Sheth publication.

Claim 1 provides for a method performed by a processor. The method includes running a program that resides in a memory, and under control of said program, performing actions of:

presenting to the user, via a user device, one or more menus through which the user:

(a) accesses a folder in a memory, wherein the folder holds information concerning a business;

(b) accesses a list that includes a representation of the folder; and

(c) selects the folder from the list to identify the business as a target business;

communicating an alert notice concerning the target business to the user;

presenting an alert button for the target business on the user device; and

presenting information concerning the alert notice, on the user device, upon selection of the alert button by the user.

The application discloses presenting an alert button for the target business on the user device, at page 8, lines 11 - 16, and in FIG. 5.

The application discloses presenting information concerning the alert notice, on the user device, upon selection of the alert button by the user, at page 10, lines 25 - 31, with reference to FIG. 7.

The Sheth publication is directed to a method and a system that allows a corporation to aggregate its procurement of services through a central automated, online process, i.e., an online private marketplace, in which a private marketplace owner invites bids from vendors (Abstract). The Sheth publication mentions alerts, and specifically states that "[T]he described embodiment can contact the buyer and seller with email, pager, phone, fax, mobile phone, etc." (paragraph 0123). However, the Sheth publication neither discloses nor suggests:

presenting an alert button for the target business on the user device; and

presenting information concerning the alert notice, on the user device, upon selection of the alert button by the user,

as recited in claim 1. Thus, claim 1 is patentable over the Sheth publication.

Claims 20, 42 and 43 each includes a recital, similar to that of claim 1. As such, claims 20, 42 and 43, similarly to claim 1, are also patentable over the Sheth publication.

Claims 3, 4, 6 and 8 - 10 depend from claim 1. Claims 22, 23, 25 - 27 and 33 depend from claim 20. By virtue of these dependencies, claims 3, 4, 6, 8 - 10, 22, 23, 25 - 27 and 33 are also patentable over the Sheth publication.

Claims 15 and 32 are canceled. As such, the rejection thereof is rendered moot.

Applicants are requesting reconsideration and a withdrawal of the 35 U.S.C. 103(a) rejection set forth in section 9 of the Office Action.

In section 10 of the Office Action, claims 13, 18, 19, 30, 37, 38 and 44 - 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Sheth publication in view of U.S. Patent Application Publication No. 20020072927 to Phelan et al. (hereinafter "the Phelan et al. publication").

¹ The Office Action does not provide the publication number of the Sheth publication, but Applicants are assuming that it is

Claims 13, 18, 19 and 44 depend from claim 1. Claims 30, 37, 38 and 45 depend from claim 20. Claim 46 depends from claim 42, and claim 47 depends from claim 43. Applicants do not believe that the Phelan et al. publication makes up for the deficiency of the Sheth publication as it relates to claims 1, 20, 42 and 43. Accordingly, Applicants are submitting that claims 1, 20, 42 and 43, and claims 13, 18, 19, 30, 37, 38 and 44 - 47, by virtue of their dependencies, are all patentable over the cited combination of the Sheth publication and the Phelan publication.

Applicants are requesting reconsideration and a withdrawal of the 35 U.S.C. 103(a) rejection set forth in section 10 of the Office Action.

In section 11 of the Office Action, claims 5, 7, 11, 12, 24, 28, 29 and 34 are rejected under 35 U.S.C. 103 as being unpatentable over the Sheth publication in view of Official Notice.

Claims 5, 7, 11 and 12 depend from claim 1, and claims 24, 28, 29 and 34 depend from claim 20. Applicants do not believe that the invocation of Official Notice makes up for the deficiency of the Sheth publication as it relates to claims 1 and 20. Accordingly, Applicants are submitting that claims 1, 20, 42 and 43, and claims 5, 7, 11, 12, 24, 28, 29 and 34, by virtue of their dependencies, are all patentable over the Sheth patent in view of Official Notice.

Applicants are requesting reconsideration and a withdrawal of the 35 U.S.C. 103 rejection set forth in section 11 of the Office Action.

In section 12 of the Office Action, claims 14 and 31 are rejected under 35 U.S.C. 103 as being unpatentable over the Sheth publication in view of the Phelan et al. publication, in view of Official Notice.

Claim 14 depends from claim 1, and claim 31 depends from claim 20. Applicants do not believe that the invocation of Official Notice makes up for the deficiency of the Sheth publication and the

the same publication number as in prior office actions.

Phelan et al. publication as they relate to claims 1 and 20. Accordingly, Applicants are submitting that claims 1 and 20, and claims 14 and 31, by virtue of their dependencies, are all patentable over the Sheth publication and the Phelan et al. publication in view of Official Notice.

Applicants are requesting reconsideration and a withdrawal of the 35 U.S.C. 103 rejection of claims 14 and 31 set forth in section 12 of the Office Action.

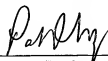
As mentioned above, Applicants are (a) amending claims 1 and 20 to address a rejection under 35 U.S.C. 101, (b) amending claims 1, 20, 42 and 43 to address a rejection under 35 U.S.C. 112, first paragraph, and (c) clarifying an aspect of each of claims 1, 20, 42 and 43 that is neither disclosed nor suggested by the Sheth publication. Additionally, Applicants are amending claims 3, 4, 6, 9, 22, 23, 26 and 33 for consistency with the language of the claims from which they depend.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,

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Date



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